

REMARKS/ARGUMENTS

The claims have been divided into Groups as follows:

Group I: Claims 1-4, drawn to a laminated film.

Group II: Claims 5-6, drawn to a process for forming bumps.

Applicants elect, with traverse, Group I, Claims 1-4, for examination.

Applicants respectfully traverse the Restriction Requirement on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctness between the identified groups.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Examiner if restriction is not required (MPEP §803). The burden is on the Examiner to provide reasons and/or examples to support any conclusion in regard to patentable distinction (MPEP §803).

The Office has characterized the relationships of Groups I and II as related as product and process of use. Citing MPEP 806.05(h) the Office has stated, “In the instant case the process for using the product as claimed can be practiced by another and materially different product other than the recited tow layered laminate film such as a single layer film with different compositional make-up or the product as claimed can be used in a materially different process such as layer used in another device such as a capacitor”.

The MPEP §806.05(h) states:

“A product and a process of using the product can be shown to be distinct inventions if either or both of the following can be shown: (A) the process of using as claimed can be practiced with another materially different product; or (B) the product as claimed can be used in a materially different process.

The burden is on the Examiner to provide an example, . . .”

However, there is no evidence of record to show that the claimed product can be used as the Office has alleged and the Office has provided no examples in support of the conclusion. The Office has simply stated the conclusion.

Application No. 10/587,897

Reply to Restriction Requirement of December 29, 2009

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the requirement for restriction.

Applicants therefore request that the requirement for restriction be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully Submitted,

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